

## **Review of Permit Review Process and discussion of opportunities for improvement –**

### **9VAC25-610-90. Application for a permit.**

C. Persons wishing to initiate a new withdrawal or expand an existing withdrawal in any ground water management area and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

1. A ground water withdrawal permit application shall be completed and submitted to the board and a ground water withdrawal permit issued by the board prior to the initiation of any withdrawal not specifically excluded in 9VAC25-610-50.

### **Administrative Review**

**2. A complete ground water withdrawal permit application for a new or expanded withdrawal, at a minimum, shall contain the following:**

- a. A ground water withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required;
- b. The application shall include notification from the local governing body of the county, city or town in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. If the governing body of any county, city or town fails to respond within 45 days following receipt of a written request by certified mail, return receipt requested, by an applicant for certification that the location and operation of the proposed facility is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia, the location and operation of the proposed facility shall be deemed to comply with the provisions of such ordinances for the purposes of this chapter;
- c. The application shall have an original signature as described in 9VAC25-610-150;
- d. The application shall include locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps and a detailed location map of each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;
- e. A completed well construction report for all existing wells associated with the application. Well construction report forms will be in a format specified by the board and are available from the Department of Environmental Quality;

## Technical Review

- f. An evaluation of the lowest quality water needed for the intended beneficial use;
- g. An evaluation of sources of water supply, other than ground water, including sources of reclaimed water; and

h. A water conservation and management plan as described in 9VAC25-610-100.

3. In addition to requirements contained in subdivision 2 of this subsection, the board may require any or all of the following information prior to considering an application complete.

- a. A plan to mitigate potential adverse impacts due to the proposed withdrawal on existing ground water users.
- b. The installation of monitoring wells and the collection and analysis of drill cuttings, continuous cores, geophysical logs, water quality samples or other hydrogeologic information necessary to characterize the aquifer system present at the proposed withdrawal site.
- c. The completion of pump tests or aquifer tests to determine aquifer characteristics at the proposed withdrawal site.
- d. Other information that the board believes is necessary to evaluate the application.

### **9VAC25-610-110. Criteria for issuance of permits.**

A. The board shall not issue any permit for more ground water than will be applied to the proposed beneficial use.

D. The board shall issue ground water withdrawal permits to persons wishing to initiate a new withdrawal or expand an existing withdrawal in any ground water management area who have submitted complete applications and are not excluded from requirements of this chapter by 9VAC25-610-50 based on the following criteria:

- 1. The applicant shall provide all information required in 9VAC25-610-90 C 2 prior to the board's determination that an application is complete. The board may require the applicant to provide any information contained in 9VAC25-610-90 C 3 prior to considering an application complete based on the anticipated impact of the proposed withdrawal on existing ground water users or the ground water resource.

## **Technical Evaluation**

2. The board shall perform a technical evaluation to determine the areas of any aquifers that will experience at least one foot of water level declines due to the proposed withdrawal and may evaluate the potential for the proposed withdrawal to cause salt water intrusion into any portions of any aquifers or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. Prior to public notice of a draft permit developed in accordance with the findings of the technical evaluation and at the request of the applicant, the results of the technical evaluation, including all assumptions and input, will be provided to the applicant for review.

## **Summary**

3. The board shall issue a ground water withdrawal permit when it is demonstrated, by a complete application and the board's technical evaluation, to the board's satisfaction that the maximum safe supply of ground water will be preserved and protected for all other beneficial uses and that the applicant's proposed withdrawal will have no significant unmitigated impact on existing ground water users or the ground-water resource. In order to assure that the applicant's proposed withdrawal complies with the above stated requirements, the demonstration shall include, but not be limited to, compliance with the following criteria:

- a. The applicant demonstrates that no other sources of water supply, including reclaimed water, are viable.
- b. The applicant demonstrates that the ground water withdrawal will originate from the aquifer that contains the lowest quality water that will support the proposed beneficial use.
- c. The applicant demonstrates that no pumps or water intake devices are placed below the top of the uppermost confined aquifer that a well utilizes as a ground water source or below the bottom of an unconfined aquifer that a well utilizes as a ground water source.
- d. The applicant demonstrates that the amount of ground water withdrawal requested is the smallest amount of withdrawal necessary to support the proposed beneficial use and that the amount is representative of the amount necessary to support similar beneficial uses when adequate conservation measures are employed.
- e. The applicant provides a water conservation and management plan as described in 9VAC25-610-100 and implements the plan as an enforceable condition of the ground water withdrawal permit.
- f. The applicant provides certification by the local governing body that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

g. The board's technical evaluation demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that there are no existing ground water withdrawers within the area of impact of the proposed withdrawal.

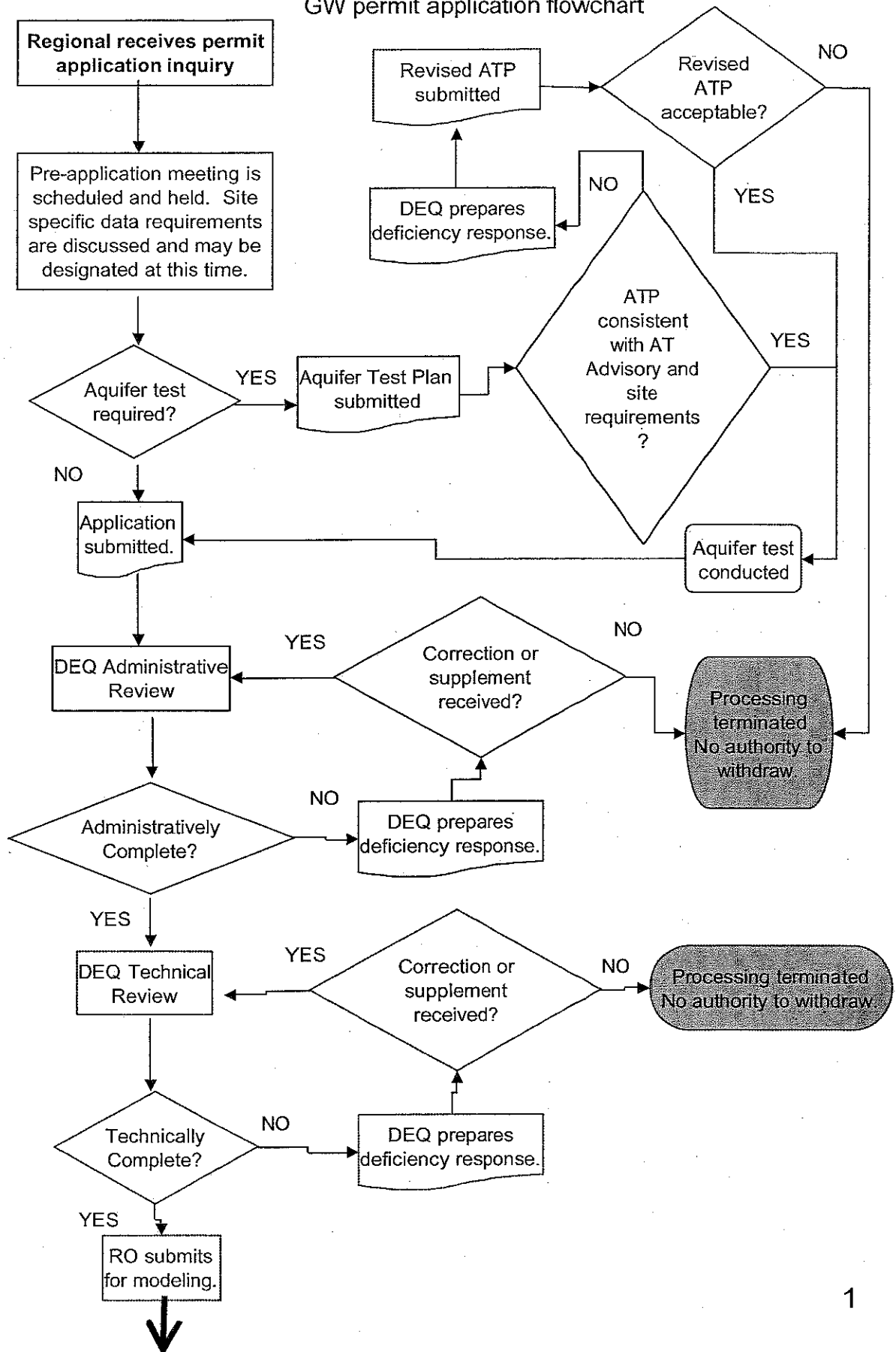
In cases where the area of impact does not remain on the property owned by the applicant or existing ground water withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing ground water users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:

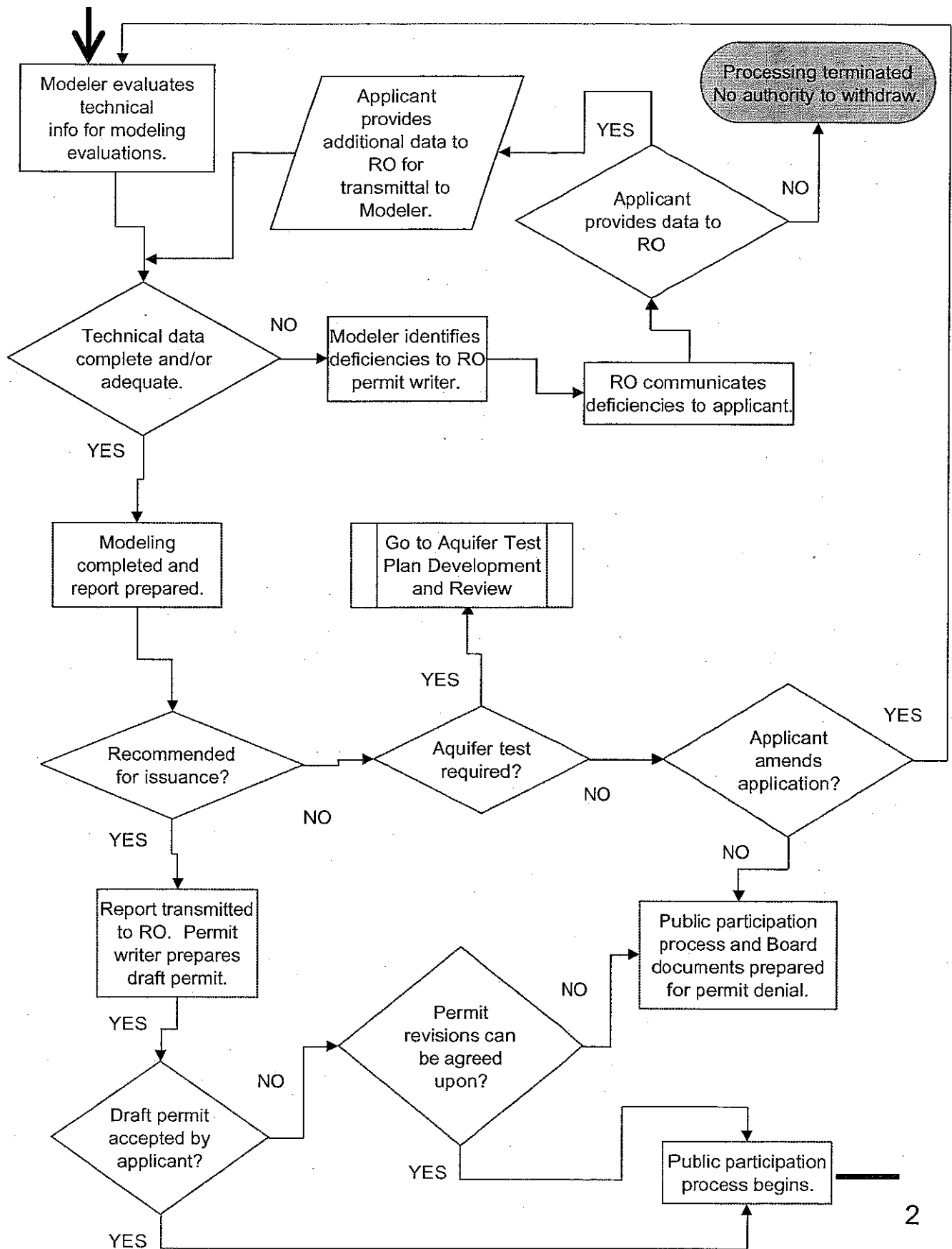
- (1) The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;
- (2) A commitment by the applicant to mitigate undisputed adverse impacts due to the proposed withdrawal in a timely fashion;
- (3) A speedy, nonexclusive, low-cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and
- (4) The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's withdrawal; the depth of the well, the pump, and screens and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic water levels for the well, if available; and the reasons the claimant believes that the applicant's withdrawals have caused an adverse impact on the well.

h. The board's technical evaluation demonstrates that the proposed withdrawal in combination with all existing lawful withdrawals will not lower water levels, in any confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the historical prepumping water levels in the aquifer and the top of the aquifer. Compliance with the 80% drawdown criterion will be determined at the points that are halfway between the proposed withdrawal site and the predicted one-foot drawdown contour based on the predicted stabilized effects of the proposed withdrawal.

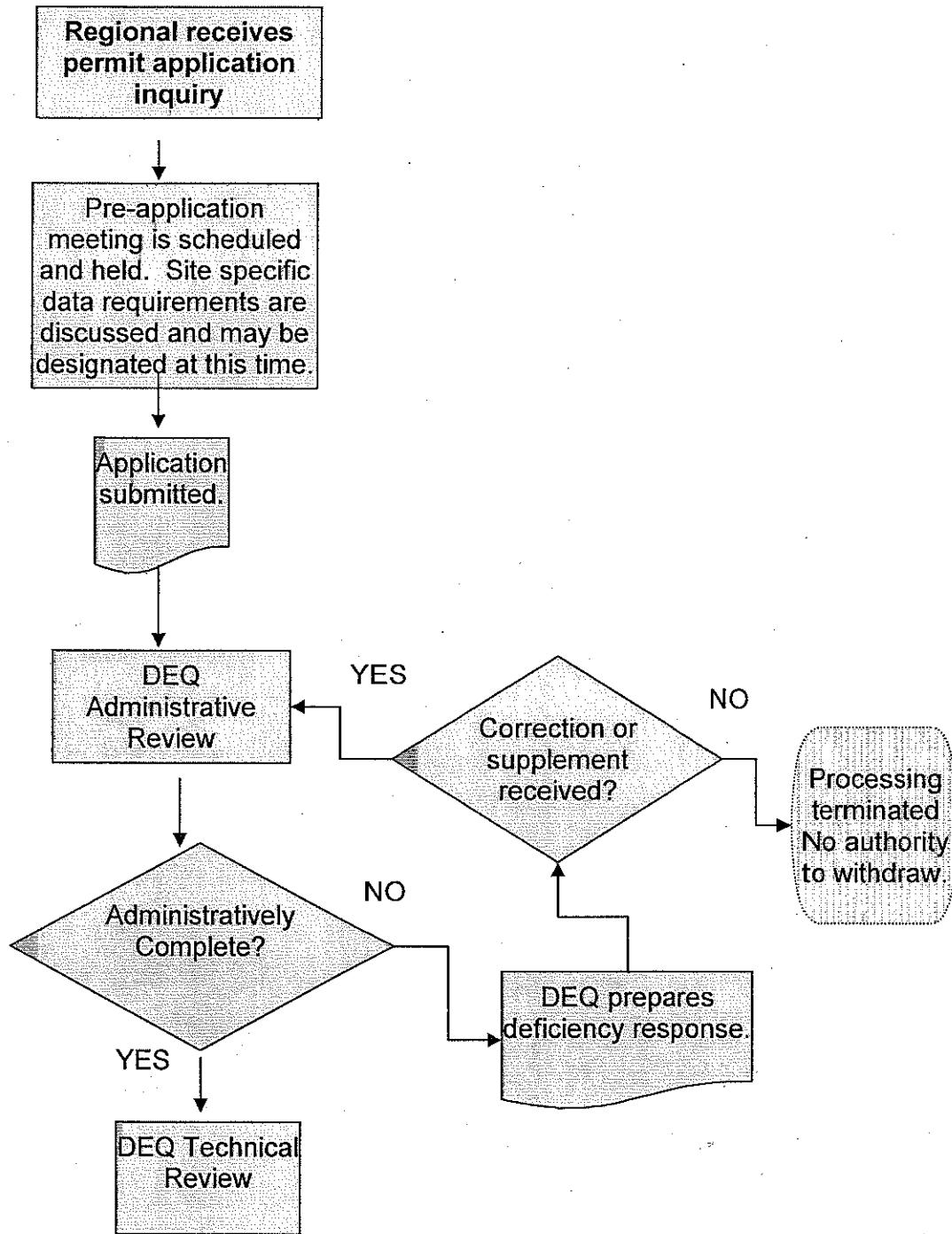
i. The board's technical evaluation demonstrates that the proposed ground water withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. This provision shall not exclude the withdrawal of brackish water so long as the proposed withdrawal will not result in unmitigated adverse impacts.

# GW permit application flowchart

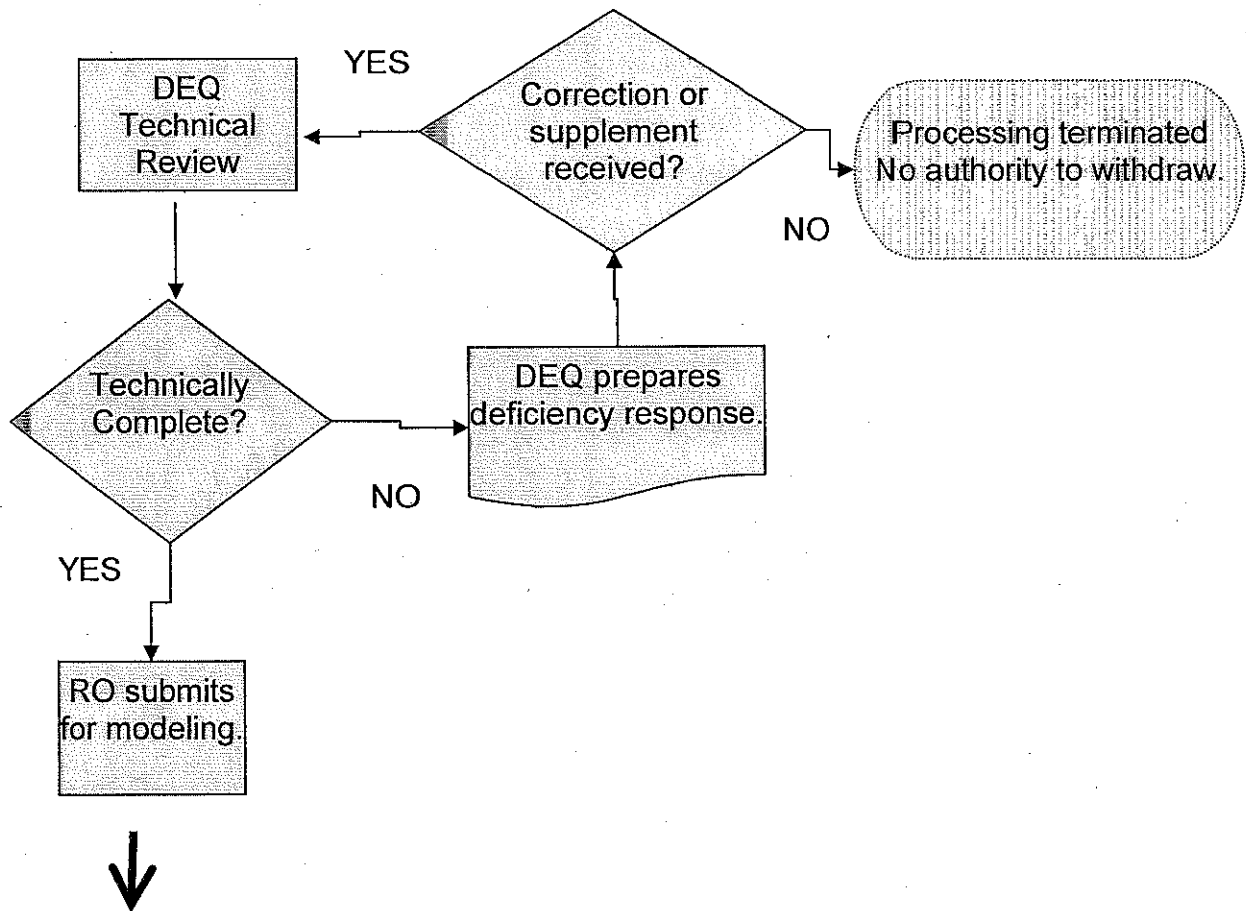




## Administrative Review

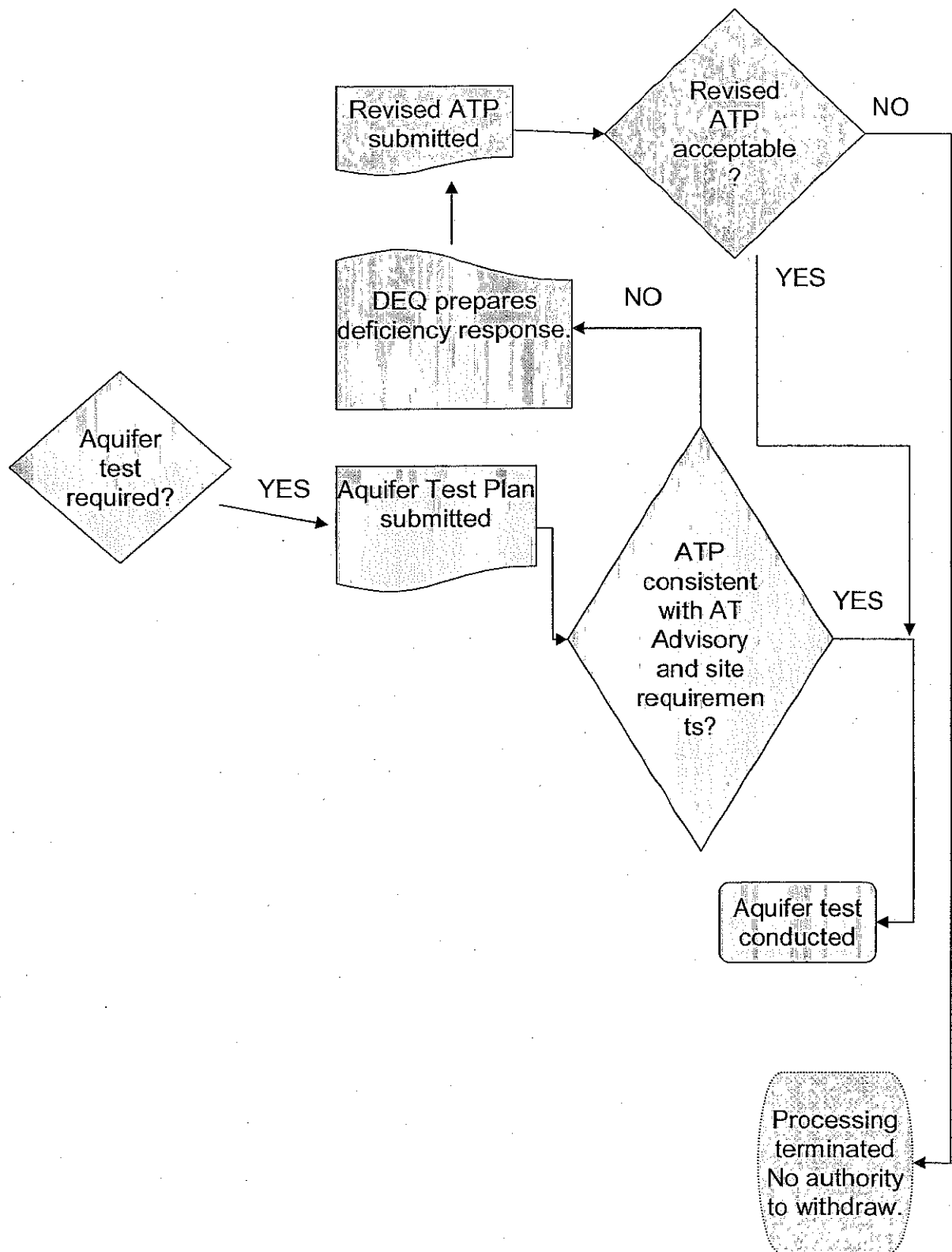


## Technical Review

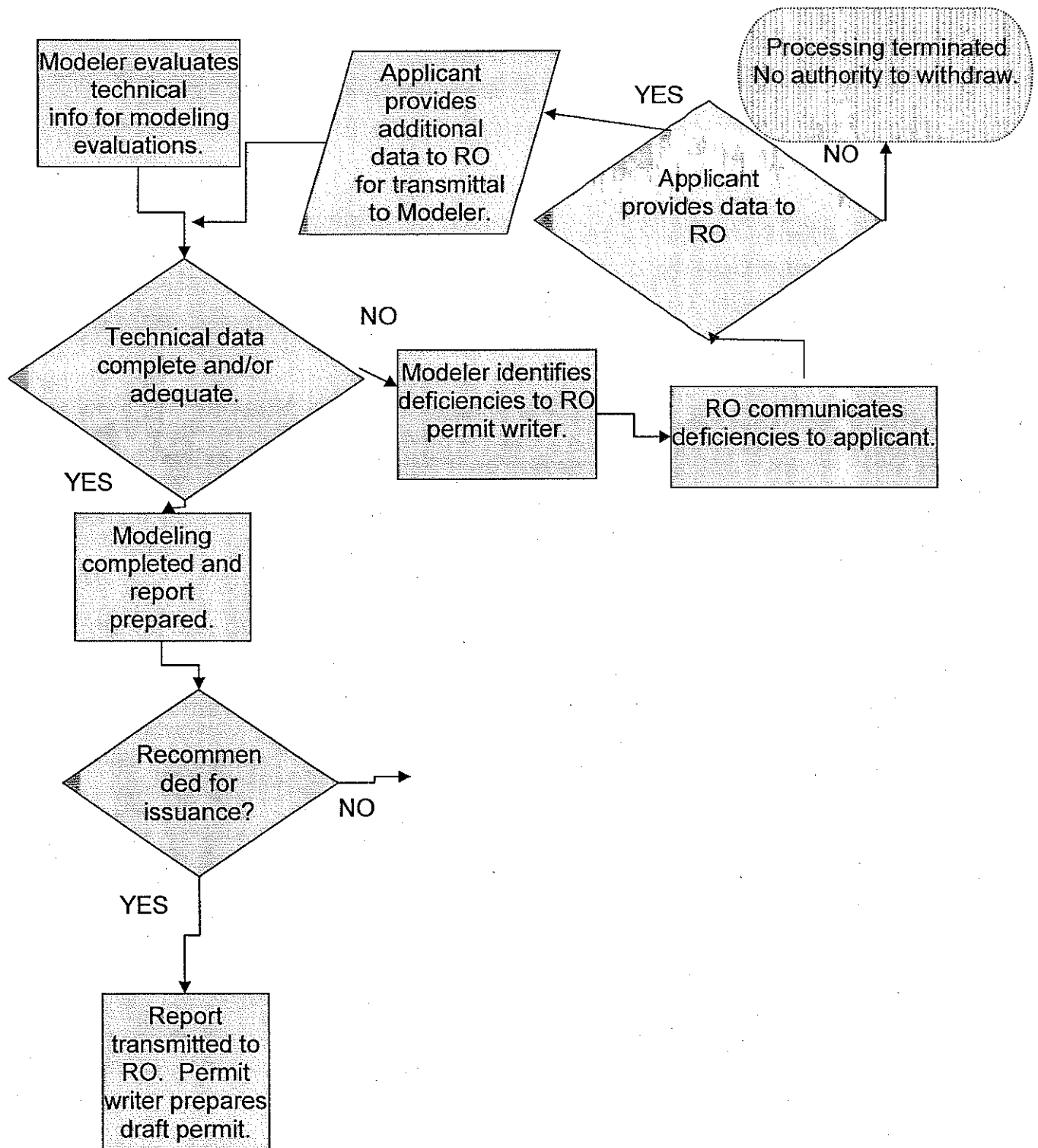




## Aquifer Test Review



## Technical Evaluation



## Draft Permit Processing Public Participation

